

Chapter 30.62C CRITICAL AQUIFER RECHARGE AREAS

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PART 000 General

30.62C.010 Purpose and applicability.

(1) The purpose of this chapter is to designate and protect critical aquifer recharge areas pursuant to the Growth Management Act (chapter 36.70A RCW) in order to safeguard the public health, safety, and welfare and to protect groundwater resources. Critical aquifer recharge areas include: sole source aquifers, Group A wellhead protection areas and areas sensitive to groundwater contamination.

(2) This chapter applies to:

- (a) development activities and actions requiring projects permits;
- (b) agricultural activities as defined in SCC 30.91A.090 or 30.91A.092 where critical aquifer recharge areas are present on the site; and
- (c) other activities or uses that have the potential to harm water quality or quantity within critical aquifers recharge areas.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

30.62C.015 Intent.

It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for ~~((wetlands and for fish & wildlife habitat conservation areas))~~ critical aquifer recharge areas while simultaneously protecting property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter 30.62C SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

30.62C.020 Relationship to Snohomish County Shoreline Master Program.

Protection of critical aquifer recharge areas located within shorelines of the state, as defined in chapter 90.58 RCW, shall be accomplished through compliance with the provisions of this chapter. Nothing in this section shall be construed to be inconsistent with RCW 36.70A.480.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

30.62C.030 Relationship to 30.61 SCC - environmental impacts.

Critical aquifer recharge area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts pursuant to chapter 30.61 SCC, to the extent permitted by RCW 43.21C.240.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

30.62C.040 Rulemaking authority.

The director shall have the authority to adopt administrative rules to implement the provisions of this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best management practices for the protection of critical aquifer recharge areas.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

PART 100 Process Requirements.**30.62C.110 Permit pre-applications.**

Project proponents may request a pre-application meeting pursuant to SCC 30.70.020 to obtain a preliminary analysis of how the requirements of this chapter apply to the proposed project.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

30.62C.120 Critical area services provided by the department.

The department may provide the following services to applicants upon submittal of the application and the payment of fees as required by chapter 30.86 SCC:

- (1) Review geotechnical, geologic, hydraulic, or groundwater reports; and
- (2) Designate critical aquifer recharge areas on site for single family residential (SFR) dwellings, duplexes, and accessory structures, and commercial structures of 8,000 square feet or less.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

30.62C.130 Submittal requirements.

(1) For any development activity or action requiring a project permit, the applicant shall submit a site development plan drawn to a standard engineering scale which includes:

- (a) Boundary lines and dimensions of the subject property;
- (b) Boundary lines and dimensions of the site;
- (c) Topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;
- (d) Location, size, and type of any existing structures, cleared areas or other existing improvements;
- (e) Location, size and type of all proposed structures and development activities requiring project permits and clearing on the site;
- (f) Location, size and type of all critical aquifer recharge areas on the subject property;
- (g) Location of all other critical areas regulated pursuant to chapters 30.62A, 30.62B and 30.65 SCC on and within ((200)) 300 feet of the site; and
- (h) Location of structure setbacks as required in chapters 30.62A SCC, 30.62B SCC and ((chapter)) 30.23 SCC; and

(2) A hydrogeologic report as required pursuant to SCC 30.62C.140

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

30.62C.140 Hydrogeologic report and mitigation plan.

(1) A hydrogeologic report is required ~~((for))~~ when any of the following conditions apply:

(a) any activity or use requiring a project permit regulated in ~~((Part 300))~~ SCC 30.62C.340(1) when proposed within a critical aquifer recharge area (CARA);

(b) any activity or use requiring a project permit regulated in SCC 30.62C.330 when proposed within a critical aquifer recharge area with low sensitivity;

(c) any activity or use requiring a project permit regulated in SCC 30.62C.340(2) and proposed within a sole source aquifer, Group A wellhead protection area or critical aquifer recharge area with high or medium groundwater sensitivity; or

(d) any activity or use requiring a project permit proposed within a critical aquifer recharge area but not otherwise listed in Part 300 when the director determines there is potential for impairment to water quality or quantity within the critical aquifer.

(2) The hydrogeologic report shall be prepared by a qualified professional who is a geologist, hydrogeologist, engineering geologist, or engineer, who is licensed by the State of Washington and who has experience preparing hydrogeologic assessments.

(3) The hydrogeologic report shall contain the following information relevant to the critical aquifer recharge area:

(a) The surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and the permeability of the unsaturated zone;

(b) Groundwater depth, flow direction, and gradient based on available information;

(c) Currently available data on wells and springs within one fourth mile of the site;

(d) Currently available information on the location of surface waters within one fourth mile of the site;

(e) Historic water quality data for the area to be affected by the proposed activity or use compiled for at least the previous five-year period;

(f) Discussion of the effects of the proposed project on the groundwater quality and quantity, including:

(i) Predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features;

(ii) Predictive evaluation of contaminant transport based on potential releases to groundwater;

(iii) Recharge potential of the site including permeability and transmissivity; and

(iv) If water use is proposed for the development activity, a description of the groundwater source of water to the site or a letter from an approved water purveyor stating the ability to provide water to the site;

(g) Best management practices relevant to the proposed activity or use;

(h) Provisions to monitor the groundwater quality and quantity;

- (i) A spill plan that identifies equipment and structures that could fail, resulting in an impact to the critical aquifer recharge area. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment with the potential to fail;
- (j) Salt-water intrusion addendums shall be required for withdrawals of groundwater or reductions in available recharge within one fourth mile of any part of Puget Sound, or a greater distance inland where there is evidence that chloride (bicarbonate + carbonate) ratio exceeds 1.5 equivalent parts per million at any time of the year. The addendum shall include an assessment of the likelihood and extent of seawater intrusion into a critical aquifer and a description of probable impact on wells on adjacent or nearby parcels;
- (k) An assessment of how the development activity meets the protection standards established in SCC 30.62C.320;
- (l) If the hydrogeologic report identifies impacts to critical aquifer recharge areas, the project applicant will be required to:
 - (i) Identify and provide an analysis of alternatives by which such impacts could be avoided or prevented; and
 - (ii) Provide a detailed mitigation plan for any unavoidable impacts. The mitigation plan should include preventative measures, monitoring, process control and remediation and a contingency plan, as appropriate;
- (m) Recommendations for implementation and operation of activities, including size limitations, monitoring, reporting and best management practices (BMP);
- (n) An evaluation of potential nitrate and nitrite impacts on the aquifer, including cumulative impacts of adjacent or surrounding developments and activities, and provide recommendations for monitoring and BMP of nitrate and nitrite generating activities; and
- (o) Any other information necessary to determine compliance with this chapter.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

30.62C.150 Notification to purveyors of Group A public water supply systems.

The department shall provide notification as required by chapter 30.70SCC of any proposed development activity or actions requiring a project permit subject to Part 300 to purveyors of Group A public water supply established pursuant to chapter ((WAC)) 246-290 WAC; except that notification is not required for the specific uses identified in SCC 30.62C.340(3)(b)(i) and (ii).

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

PART 200 Designation and Classification.

30.62C.210 Designation of critical aquifer recharge areas.

The county has designated critical aquifer recharge areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification. Project proponents are responsible for determining whether a critical aquifer recharge area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of critical aquifer recharge areas identified by project proponents. Specific criteria for the designation of critical aquifer recharge areas are contained in this chapter and Chapter 30.91 SCC. While the county maintains some maps of critical aquifer recharge areas, they are for informational purposes only and may not accurately represent all such areas.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

30.62C.220 Classification of critical aquifer recharge areas.

The county has established the following three classifications of critical aquifer recharge areas (CARAs):

- (1) Sole source aquifers designated by the U.S. Environmental Protection Agency in accordance with the Safe Drinking Water Act of 1974 (Public Law 93-523);
- (2) Areas within the 10-year travel zone of Group A wellhead protection areas, determined in accordance with delineation methodologies specified by the Washington Department of Health under authority of chapter 246-290 WAC; and
- (3) Areas of high, medium and low sensitivity to groundwater contamination, based on depth to groundwater and in accordance with The Ground-Water System and Ground-Water Quality in Western Snohomish County, Washington (United States Geological Survey, Water Resources Investigations, Report #96-4312, 1997).

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

PART 300 Standards and Requirements.

30.62C.310 Purpose of Part 300.

Part 300 of this chapter establishes specific standards and requirements for the protection of critical aquifer recharge areas.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

30.62C.320 General requirements.

(1) The project proponent shall make all reasonable efforts to avoid and minimize impacts to critical aquifer recharge areas pursuant to the requirements of this section, in the following sequential order of preference:

- (a) Avoiding impacts altogether by not taking a certain action or parts of an action; or when avoidance is not possible,

(b) minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts; and

(c) mitigation for the impacts to the critical aquifer recharge area;

(2) Any activity or use specifically listed in Part 300 shall comply with the best management practices and mitigation plan identified in the hydrogeologic report when required, and any additional requirements contained in SCC 30.62C.340.

(3) All development activities shall comply with the groundwater quality standards contained in ~~((WAC))~~ Chapter 173-200 WAC and ~~((RCW))~~ Chapter 90.48 RCW.

(4) Where the department determines that an activity or use not specifically listed in Part 300 has the potential to harm water quality or quantity within critical aquifer recharge areas, the applicant shall comply with Part 100 and apply best management practices and all known and available reasonable technology (AKART) appropriate to protect critical aquifer recharge areas.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

30.62C.330 ~~((Prohibited uses.))~~ Uses prohibited within certain critical aquifer recharge areas.

The following activities and uses are prohibited in sole source aquifers, Group A wellhead protection areas and critical aquifer recharge areas with high or medium sensitivity:

(1) Landfills, outdoor storage facilities or outdoor recycling centers ~~((including))~~ for hazardous or dangerous waste, electronic waste, contaminated soil or contaminated dredged materials, municipal solid waste, special waste, woodwaste, ((and)) or inert and demolition waste ((landfills));

(2) Underground injection control (UIC) wells prohibited in Washington State under WAC 173-218-040

(3) Class II UIC wells defined in WAC 173-218-040(2);

(4) ~~(((3)))~~ Mining of metals and hard rock;

(5) ~~(((4)))~~ Wood treatment facilities occurring over permeable surfaces (natural or manmade); and

(6) ~~(((5)))~~ Facilities that store, process, or dispose of radioactive substances.

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007).

30.62C.340 Uses and development activities subject to special conditions.

(1) The following activities and uses identified in Table 30.62C.340(1) when proposed within critical aquifer recharge areas, or identified in SCC 30.62C.330 when proposed within critical aquifer recharge areas with low sensitivity shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations and recommendations from an approved hydrogeologic report required pursuant to SCC 30.62C.140.

Activity	Statute Regulation Guidance
Above Ground Storage Tanks	WAC 173-303-640
Animal Feedlots	Chapter 173-216 WAC, Chapter 173-220 WAC
Animal feeding operations/concentrated animal feeding operations	Final Rule 40 CFR Parts 9 , 122 , 123 , and 412
Automobile Washing facilities	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (Washington Department of Ecology WQ-R-95-56)
Below Ground Storage Tanks	Chapter 173-360 WAC, Chapter 90.76 RCW, RCW 43.131.394
Chemical Treatment Storage and Disposal Facilities	Chapter 173-303 WAC
Dangerous waste	Chapter 70.105 RCW, chapter 173-303 WAC, county board of health code and SCC 7.53.070
((Injection Wells))	((Federal 40 CFR Parts 144 and 146 , Chapter 173-218 WAC))
Junk Yards and Salvage Yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (Washington State Department of Ecology 94-146)
On Site Sewage Systems (Large Scale > 3,500 gal/day)	Chapter 173-240 WAC, Chapter 246-272 WAC, Chapter 246-272B WAC, Local Health Ordinances
A single or multiple small on-site sewage systems with a combined design volume of greater than 3,500 gal/day	Chapter 246-272 WAC, Chapter 246-272A WAC, Local Health Ordinances
Pesticide and Fertilizer Storage and Use	Chapter 15.54 RCW, Chapter 17.21 RCW
Reclaimed water for groundwater recharge	Chapter 90.46 RCW
Sawmills	Chapter 173-303 WAC, Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (Washington State Department of Ecology, 95-53)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Surface Mining	Chapter 332-18 WAC
Wastewater Application to Land Surface	Chapter 173-216 WAC, Chapter 173-200 WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture

(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015; Amended by Amended Ord. 22-062, Oct. 26, 2022, Eff date Jan. 1, 2023).

Table 30.62C.340(1)

<u>Activity/Uses</u>	<u>Statute - Regulation - Guidance</u>
<u>Animal Feedlots</u>	<u>Chapter 173-216 WAC, Chapter 173-220 WAC</u>
<u>Animal feeding operations / concentrated animal feeding operations</u>	<u>Final Rule 40 CFR Parts 9, 122, 123, and 412</u>
<u>Automobile Washing facilities</u>	<u>Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (Washington Department of Ecology WQ-R-95-56)</u>
<u>Chemical Treatment, Storage and Disposal Facilities</u>	<u>Chapter 173-303 WAC</u>
<u>Dangerous waste</u>	<u>Chapter 70.105 RCW, chapter 173-303 WAC, Snohomish County Health Department Sanitary Code and SCC 7.53.070</u>
<u>Junk Yards and Salvage Yards</u>	<u>Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (Washington State Department of Ecology 94-146)</u>
<u>Pesticide and Fertilizer Storage and Use</u>	<u>Chapter 15.54 RCW, Chapter 17.21 RCW</u>
<u>Reclaimed Water for groundwater recharge</u>	<u>Chapter 90.46 RCW and Chapter 173-218 WAC</u>
<u>Petroleum Processing and Recycling Facilities</u>	<u>40 CFR Part 443 (paving and roofing materials), 40 CFR Part 419 (effluent guidelines), chapter 70A.224 RCW (used oil recycling); chapter 90.56 RCW (spill prevention)</u>
<u>Sawmills</u>	<u>Chapter 173-303 WAC, Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (Washington State Department of Ecology, 95-53)</u>
<u>Solid Waste Handling and Recycling Facilities</u>	<u>Chapter 173-304 WAC</u>
<u>Storage Tanks, Above Ground</u>	<u>Chapter 173-303-640 WAC</u>
<u>Storage Tanks, Below Ground</u>	<u>Chapter 173-360A WAC, Chapter 90.76 RCW, RCW 43.131.394</u>
<u>Surface Mining</u>	<u>Chapter 332-18 WAC</u>
<u>Wastewater Application to Land Surface</u>	<u>Chapter 173-216 WAC, Chapter 173-200 WAC</u>

(2) The underground injection control (UIC) wells identified in Table 30.62C.340(2) shall be conditioned as necessary to protect critical aquifer recharge areas (CARA) in accordance with the applicable state and federal regulations and recommendations. In addition, a hydrogeologic report is required pursuant to SCC 30.62C.140 when the UIC well would be located within a Group A wellhead protection area, a sole source aquifer, or an area of high or medium sensitivity to groundwater contamination. If located within a Group A wellhead protection area, conditions may also be applied based on consultation with the Group A public water system through the notification process in SCC 30.62C.150.

Table 30.62C.340(2)

<u>UIC Well – Class and Type</u>	<u>Statute - Regulation - Guidance</u>
<u>Class IV UIC wells reinjecting treated groundwater into the same formation from where it was drawn as part of a removal or remedial action</u>	<u>WAC 173-218-040(4). Requires approval by EPA in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act or the Resource Conservation and Recovery Act, 40 C.F.R. 144.13(c).</u>
<u>Class V UIC wells used for geologic sequestration of carbon dioxide</u>	<u>WAC 173-218-115</u>
<u>Class V UIC wells - On-Site Sewage Systems (Large Scale > 3,500 gal/day); or multiple small scale OSS systems with combined design volume exceeding 3,500 gal/day</u>	<u>Chapter 173-240 WAC, Chapter 246-272 WAC, Chapter 246-272A WAC, Chapter 246-272B WAC, Chapter 173-218 WAC; Local Health Ordinances</u>
<u>All other Class V UIC wells, except as specifically identified in this table, or in SCC 30.62C.340(3), or prohibited in certain CARA per SCC 30.62C.330(2).</u>	<u>Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC</u>

(3) Class V UIC wells used for stormwater management that meet the nonendangerment standard in WAC 173-218-080, -090 and -100 are allowed in critical aquifer recharge areas subject to the following requirements:

(a) stormwater regulations identified in SCC 30.63A.100; and

(b) when located within a Group A wellhead protection area, conditions necessary to protect the Group A well as determined through consultation with the public water system through the notification process in SCC 30.62C.150; except that the following UIC wells are exempt from this requirement:

(i) UIC wells used in residential settings that receive water from sump pumps, for basement flood control; and

(ii) UIC wells that only receive runoff from an individual residential roof or associated accessory structures.

_(Added by Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 15-034, Sept. 2, 2015, Eff date Nov. 1, 2015).

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